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JAN 17 2024

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U.S. DISTRICT COURT E.D.N.Y.
JAN 16 2024
CP-1
BROOKLYN OFFICE

United States District Court
Eastern District of New York

United States of America
v.
Robert Smith

Case number: 21-CR-00254-003 (RPK)
Honorable Rachel P. Kovner

Motion For Modification OR Reduction of Sentence
Pursuant to 18 U.S.C. 3582 (c)(2) (Guideline Amendment 821)

I hereby request a modification or reduction of my sentence pursuant to U.S.C. 3582 (c)(2) and Amendment 821 to the United States Sentencing guidelines. First Amendment 821 decreases "status points" by one point for defendants with seven or more criminal history points and eliminated "status points" for defendants for with six or fewer criminal history points. "Status Points" are those points that were applied under the United States Sentencing Guideline (U.S.S.G.) 4A1.1(d) if the defendant committed his or her federal offense while on probation, parole, supervised release, imprisonment, work release, or escape status. Second, Amendment 821 provides for a decrease of two offense levels for "zero-point offenders" (no criminal history points), whose offense did not involve specific aggravating factors. The change is retroactive as of November 1, 2023, and has an effective date of February 1, 2024.

In support of this Motion, I state as the follows

- 1- I am serving a term of imprisonment.
- 2- My presentence report included "status points"

in the calculation of my criminal history score under then U.S.G 4A1.1 (d) scored me as having zero criminal history points.

3- I was sentenced in the United States District Court of Eastern District of New York 2nd circuit on April 20, 2022 to a term of 97 months in prison. My total offense level was zero and my criminal history category was 1.

4- My projected release date is August 28 2028. I understand that the Amendment does not authorize release of any defendant before February 1, 2024.

5- I hereby request a court appointed attorney. I understand appointment of counsel is discretionary with the court.

6- I hereby by affidavit state I am a Federal prisoner nor do I have gainful employment.

Robert Smith 1/10/2024

Robert Smith 44415-509

current address is FCI Gilmer Camp

P.O. Box 7000

Glennville, WV 26351

I pray for any or all relief under the color of Law and Statutory Rules.

Robert Smith 44415-509
FCI Gilmercamp
P.O. Box 7000
Glenville WV 26351

Case 1:21-cr-00254-RPK

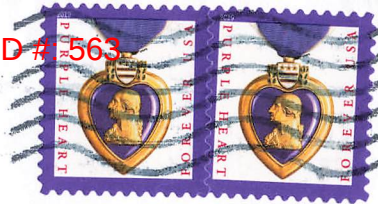
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Page 3 of 3 PageID #: 563

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Theodore Roosevelt United States Courthouse
225 Cadman Plaza East, Room 1185
Brooklyn NY 11201



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